



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

CERTIFIED MAIL 7018 2290 0000 6353 8529
RETURNED RECEIPT REQUESTED

SEP 26 2019

Mr. Jeff Hall
General Manager
Ellis Park
3300 US 41 North
Henderson, Kentucky 42419

Re: Compliance Evaluation Inspection
Ellis Park, Henderson, Kentucky

Dear Mr. Hall:

On July 9, 2019, the U.S. Environmental Protection Agency Region 4 and the Kentucky Department of Environmental Protection (KDEP) conducted a Compliance Evaluation Inspection (CEI) at the Ellis Park (facility) located at 3300 US Highway 41 North, Henderson, Kentucky. The purpose of the CEI was to evaluate the Facility's compliance with the treatment and disposal of horse waste and horse wash water (wastewater) in accordance with the requirements of Section 402 of the Clean Water Act, 33 U.S.C. § 1342, the regulations promulgated thereunder at 40 Code of Federal Regulations Part 122.23.

The EPA appreciates your cooperation in conducting this CEI. Enclosed is the EPA's CEI report, evaluating your compliance with the CWA. As a result of the inspection, either EPA or KDEP may be in further contact with Ellis Park in the future.

While a response from you is not required at this time, if you do wish to respond to the CEI report, provide additional information, or otherwise discuss the report, please contact Mr. Don Joe at the above address or by email at joe.don@epa.gov.

Sincerely,

A handwritten signature in black ink, reading "Daniel J. O'Lone".

Daniel J. O'Lone, Chief
Surface Water and Ground Water Section
Water Enforcement Branch

Enclosures

cc: Ms. Sarah Jon Gaddis, PG
KDEP

Mr. Randy Thomas
KDEP – Madisonville Regional Office

United States Environmental Protection Agency
Washington, D.C. 20460
Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Code N	NPDES	yr/mo/day 19/07/09	Inspection Type J	Inspector =	Fac Type 3
Remarks					
Inspection Work Days	Facility Self-Monitoring Evaluation Rating	BI	QA	Reserved	

Section B: Facility Data

Name and Location of Facility Inspected Ellis Park 3300 US Highway 41 North Henderson, KY 42419	Entry Time/Date 11:58AM, 07/09/2019	Permit Effective Date
	Exit Time/Date 02:46PM, 07/09/2019	Permit Expiration Date
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number(s) Garret Thompson, Assistance Superintendent	Other Facility Data (e.g., SIC NAICS, and other descriptive information) NAICS: 711219	
Name, Address of Responsible Official/Title/Phone and Fax Number Mr. Jeff Hall, General Manager Ellis Park 3300 US Highway 41 North Henderson, KY 42419 Phone: 812 435-8900 Cell: 270 831-8110		

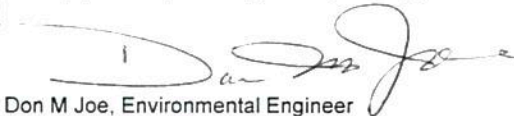
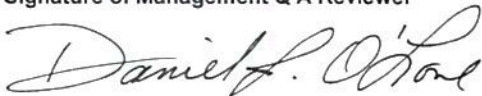
Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input type="checkbox"/> Permit	<input type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	MS4
<input checked="" type="checkbox"/> Records/Reports	<input type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Stormwater	
<input type="checkbox"/> Effluent/Receiving Waters	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

SEV Codes	SEV Description
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	

Name(s) and Signature(s) of Inspector(s)  Don M. Joe, Environmental Engineer	Agency/Office/Phone and Fax Numbers USEPA Region 4 Enforcement Compliance Assurance Division Water Enforcement Branch Surface Water/GW Section Ph: (404) 562-9751 Fax: (404) 562-9729	Date 8/7/2019
Signature of Management Q A Reviewer  Daniel J. O'Lone, Section Chief	Agency/Office/Phone and Fax Numbers USEPA Region 4 Enforcement Compliance Assurance Division Water Enforcement Branch Surface Water/GW Section Ph: (404) 562-9434 Fax: (404) 562-9729	Date 9/25/19

NPDES CAFO Water Compliance Inspection Report

Date 07/09/2019

Entry Time: 11:58AM

Weather Conditions: Sunny and clear

State Inspector(s): L. Mark Lamar, Environmental Inspector/Scientist, KDEP

1. FACILITY

Facility Name:	Ellis Park		
Latitude/Longitude	37.9195°N 87.5421°W		
Type of Operation	Race Track		
Number of Animals Permitted	NA		
Number of Animals in Confinement	475	X 45 days or more	
Animals have direct contact with Waters	X no <input type="checkbox"/> yes, explain		
Nearest Waters	Ohio River <input type="checkbox"/> 303(d) listed, for		
25-year, 24 hour rainfall amount for this location	7 inches		

Description of Facility

Ellis Park has 25 barns with a capacity of 1000+ stalls. The facility has conducted live race meets from June to September every year

Facility Map *(Insert aerial map)*

See photo # 1

2. PERMIT

Permit Number	NA	<input type="checkbox"/> individual	<input type="checkbox"/> general
		<input type="checkbox"/> copy available on site	
Date Issued			
Expiration Date			
Number of Animals the Facility is permitted for			
Compliance Schedule	X no <input type="checkbox"/> yes, provide a brief description		

3. NUTRIENT MANAGEMENT PLAN (NMP)

Facility has NMP	<input type="checkbox"/> yes	<input type="checkbox"/> copy available on site	
		<input type="checkbox"/> copy maintained at farm office at another location	
	X no	<input type="checkbox"/> the Facility has a nutrient budget	
		<input type="checkbox"/> the Facility has an environmental management plan	

Includes Maps of Production and Land Application Areas	<input type="checkbox"/> yes	<input type="checkbox"/> no	NA
--	------------------------------	-----------------------------	----

4. RECORD KEEPING

Inspections of Waste Storage System	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
-------------------------------------	------------------------------	-----------------------------	--	----

Liquid Systems, Freeboard Records	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
		<input type="checkbox"/> not a liquid system		

Inspection of Storm Water Controls	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
------------------------------------	------------------------------	-----------------------------	--	----

Rainfall	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
----------	------------------------------	-----------------------------	--	----

Records of Manure Transferred Off Site	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
--	------------------------------	-----------------------------	--	----

Records of Land Application of Manure	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
---------------------------------------	------------------------------	-----------------------------	--	----

Maintenance Records i.e. equipment calibrations	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
--	------------------------------	-----------------------------	--	----

Annual Reports	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
----------------	------------------------------	-----------------------------	--	----

Emergency Response Plan	X yes	<input type="checkbox"/> no		
-------------------------	-------	-----------------------------	--	--

5. MONITORING RECORDS

Soil Sample(s)	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
----------------	------------------------------	-----------------------------	--	----

Manure Samples	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
----------------	------------------------------	-----------------------------	--	----

6. MANURE MANAGEMENT (STORAGE)

Manure Storage Structure(s)

- | | | |
|--|--|--|
| <input type="checkbox"/> holding pond | <input type="checkbox"/> clay lined | <input type="checkbox"/> synthetic lining |
| <input type="checkbox"/> lagoon | <input type="checkbox"/> aerobic digestion | <input type="checkbox"/> anaerobic digestion |
| | <input type="checkbox"/> clay lined | <input type="checkbox"/> synthetic lining |
| <input type="checkbox"/> concrete structure | | |
| <input type="checkbox"/> under house structure | | |
| <input type="checkbox"/> manure pack house | | |
| <input type="checkbox"/> manure lot | <input type="checkbox"/> concrete slab | <input type="checkbox"/> tarp/cover |
| <input type="checkbox"/> composting | | |
| <input type="checkbox"/> other | | |

Description of Storage Structure(s)

Horse muck is stored in an open air area. During rain events, contaminated stormwater is discharged into the storm drains and flows to pit # 2 which combines stormwater and horse wash water. The water is then pumped to a slough that connects to the Ohio River.

Designed to NRCS or State Required Standards ☐ yes
☐ no
☒ do not know

Visual Inspection of Structure

NA

Structure(s) appears to be maintained to state standards	<input type="checkbox"/> yes explain	<input type="checkbox"/> no	<input type="checkbox"/> concerns, NA
Structure(s) appears to be stable	<input type="checkbox"/> yes explain	<input type="checkbox"/> no	<input type="checkbox"/> concerns, NA
Rain gauge installed and maintained	<input type="checkbox"/> yes rainfall by	<input type="checkbox"/> no	<input type="checkbox"/> monitor NA
Structure(s) maintain liquid waste	<input type="checkbox"/> yes	<input type="checkbox"/> no	NA
Banks are maintained	<input type="checkbox"/> yes	<input type="checkbox"/> no	
Marker is present to gauge freeboard	<input type="checkbox"/> yes	<input type="checkbox"/> no	
Adequate freeboard <i>based on NMP or state standards</i>	<input type="checkbox"/> yes	<input type="checkbox"/> no	
Comments			

Sketch or Photo of Manure Management Structure(s)

See photo page # 17

7. MANURE MANAGEMENT (UTILIZATION OF NUTRIENTS)

Manure Transferred Off Site	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	
Contractor removes horse muck off site every day				
The Facility is following state approved protocols for transfer of manure	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
NMP Calculated Application Rates and Areas for Application	<input type="checkbox"/> yes	<input type="checkbox"/> no		NA
Manure is Land Applied on Farm	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
Description of Land Application System				NA
The Facility has Adequate Land Available	<input type="checkbox"/> yes	<input type="checkbox"/> no		NA
Facility has a schedule for Land Application and is following the schedule	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA
Facility has appropriate setbacks and buffers	<input type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> some, explain	NA

8. MORTALITY MANAGEMENT

Mortality Management According to the NMP			NA
<input type="checkbox"/> burial			
<input type="checkbox"/> incineration			
<input type="checkbox"/> rendering			
<input type="checkbox"/> composting			
NMP gives specifies location for mortality management	<input type="checkbox"/> yes	<input type="checkbox"/> no	NA
NMP specifies management required	<input type="checkbox"/> yes	<input type="checkbox"/> no	NA

Visual Inspection of Mortality Site

NA

Mortality Management On Site

- ☐ burial
- ☐ incineration
- ☐ rendering
- ☐ composting

Facility is Managing Mortality According to the NMP ☐ yes ☐ no NA**Comments**

Contractor is hauling the dead animals to either University of Kentucky or Murray State University - Vanderbilt veterinary

9. CHEMICAL MANAGEMENTNMP addresses the storage, handling and management of all chemicals ☐ yes ☐ no**Chemicals stored on site**

- ☐ fertilizer
- ☐ herbicides
- ☐ pesticides
- X cleaning supplies
- X fuel
- ☐ veterinary
- ☐ other

Method of Disposal of Chemicals**10. DISCHARGES**

- Has the Facility had a Discharge? ☐ no ☐ yes
- ☐ date _____
 - ☐ reported to the State and/or EPA
 - ☐ description of discharge
 - ☐ sampling, description

Description of Actions taken

EXIT INTERVIEW

1. Needed to develop either a Comprehensive Nutrient Management Plan (CNMP) or Nutrient Management Plan (NMP).
2. Horse wash water (wastewater) discharges into the storm drains, flows into either Pit # 1 or Pit # 2 which pumps over to the levee, discharges into the unnamed slough and flows into the Ohio River. (See photos # 14, 15 and 16).
3. Horse muck stored in an open area without cover. During rain events, the contaminated stormwater is discharged into the storm drain and flows into Pit #2. (See photos # 17 and 14)

Exit Time: 2:46PM

